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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
In re Matter of Toll Free
Service Access Codes

CC: Docket No. 95-155

**SUPPLEMENTAL COMMENTS OF THE AMERICAN
CAR RENTAL ASSOCIATION**

The American Car Rental Association ("ACRA") submits the following supplemental comments in response to the Federal Communications Commission's ("FCC" or "Commission") request to "refresh the record" on proposals regarding use of toll free numbers. Toll Free Service Access Codes, Notice of Proposed Rulemaking, FCC No. 95-419 (released October 5, 1995).

I. INTRODUCTION

ACRA is a national trade association representing most of the nation's major car rental companies, including Budget Rent A Car Corporation, Dollar Systems, Inc., Avis, Inc., National Car Rental, Inc., Thrifty Rent A Car System, Enterprise Rent A Car, Inc., and Alamo Rent A Car, Inc. ACRA's members also include hundreds of small independent businesses which are franchisees/licensees or independent car rental companies. Inasmuch as ACRA members make extensive use of toll free telephone numbers in conducting business with their customers, ACRA has a strong interest in the outcome of this proceeding.

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Although members of ACRA employ toll free telephone service in a manner that is tailored to their specific businesses, several common features exist. Most members employ an 800 number for their reservation systems that is the customer's primary point of contact. This number may spell out a phrase that is a mnemonic (e.g., "1-800-RENT-CAR") or it may simply contain a pattern of easily remembered numbers (e.g., "1-800-333-1234"). ACRA members also subscribe to additional 800 numbers that serve as rollover numbers when multiple calls are made simultaneously to the primary number. While these numbers may not contain any mnemonic or memorable pattern, they are still important to a car rental company's operations. Those members that provide emergency road service to customers offer such service via an 800 number. Finally, many members retain in reserve a series of 800 numbers that are used periodically to conduct marketing research and handle increases in customer calls during peak travel seasons. Maintenance of these reserved numbers also is important to ACRA members.

The six largest members of ACRA (Alamo, Avis, Budget, Dollar, Enterprise, and National) each receive between 500,000 and 2 million calls per month on their 800 lines from consumers inquiring about rental reservations. These companies advertise between 30 and 60 toll-free numbers nationwide and maintain between 300 and 600 active toll-free lines for their reservation centers alone. The number of lines active at any one time depends on the time of year and the level of anticipated telephone calls.

Accordingly, based on its members' use of thousands of 800 toll free numbers, ACRA has a vital interest in this proceeding.

II. ADDITIONAL COMMENTS

ACRA offers two specific comments in addition to, and in support of, the detailed comments ACRA filed with the Commission on November 1, 1995 ("1995 Comments"). These specific comments highlight how two of the problems ACRA identified in its 1995 Comments are actually occurred since the advent of 888 toll-free telephone numbers.

First, ACRA warned that a failure to grant existing holders of 800 toll-free numbers a right of first refusal for the identical number in the 888 SAC would create an opportunity for unrelated entities to gain access to the 888 equivalent of an ACRA member's 800 reservation number and either use the number with fraudulent intent or attempt to sell the new 888 number back to the ACRA member at an exorbitant fee.

Indeed, the latter situation occurred to an ACRA member in 1996. This car rental company's RespOrg failed to "reserve" the equivalent 888 number of this company's 800 reservation number, despite the car rental company's request to the RespOrg that this number be held in reserve. As a result of this failure this particular 888 number was released into the pool of available 888 numbers and was requested by, and assigned to, an entity in California. The California entity contacted the car rental company a short time later and offered to "transfer" the 888 number to the car rental company for a "transfer fee" of \$250,000. The car rental company refused the entity's offer and was urged by ACRA counsel to contact the Commission.

Second, ACRA warned that consumers would become confused if two different entities held identical vanity numbers in the 800 and 888 series of toll-free numbers. This

theoretical objection by ACRA became very real during the first six months of 1997. During that time period, the U.S. Environmental Protection Agency ("EPA") took public comment on a controversial proposal to tighten the national ambient air quality standards for ozone and particulate matter. EPA solicited comments from the public on this proposal and invited interested persons to register their views with EPA by calling a toll-free comment line -- 1-888-TELLEPA. According to EPA's public docket on the proposed rulemaking, EPA received over 25,000 phone call to this comment line. However, the EPA docket does not reveal the fact that the company that uses the equivalent 800 toll-free number (1-800-835-5372) received over 2,500 misdirected phone calls from members of the public trying to reach the EPA comment line. This company (a credit card servicing center) was forced to add additional service representatives to handle the increased number of incoming telephone calls and currently is in negotiations with its long distance telephone carrier for a refund of the charges from these calls from confused members of the public.

Thus, the concerns ACRA raised in its 1995 Comments have moved from the theoretical to the real over the past two years. ACRA urges the Commission to recognize that these concerns are real and will only multiply in the future if holders of current vanity numbers in the 800 SAC are not afforded the right of first refusal for the existing "reserved" vanity numbers in the 888 SAC and in future toll-free SACs.

III. CONCLUSION

The FCC should adopt a right of first refusal, along the lines of the plan described in ACRA's 1995 Comments, to allow existing 800 numbers to gain superior rights in the

888 (as well as future service code) equivalent numbers. The Commission also should take steps to protect against warehousing of numbers.

Respectfully submitted,

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